



## FEDERAL PERMITTING IMPROVEMENT STEERING COUNCIL

### 40 CFR Part 1900

#### Unified Agenda of Federal Regulatory and Deregulatory Actions

**AGENCY:** Federal Permitting Improvement Steering Council

**ACTION:** Semiannual regulatory agenda

**SUMMARY:** This agenda contains the proposed regulatory actions that the Federal Permitting Improvement Steering Council (Permitting Council or FPISC) plans to undertake in the 12 months following the General Service Administration's fall 2019 edition of its semiannual regulatory agenda, which included the Permitting Council's previous regulatory agenda. The Permitting Council developed this agenda consistent with Executive Order 12866 "Regulatory Planning and Review," as amended, Executive Order 13771 "Reducing Regulation and Controlling Regulatory Costs," and Executive Order 13563 "Improving Regulation and Regulatory Review."

**FOR FURTHER INFORMATION CONTACT:** John Cossa, Senior Counsel, Federal Permitting Improvement Steering Council, Office of the Executive Director, 1800 G Street, NW, Suite 2400, Washington, D.C. 20405, (202) 322-6856, [john.cossa@fpisc.gov](mailto:john.cossa@fpisc.gov).

**SUPPLEMENTARY INFORMATION:** Title 41 of the Fixing America's Surface Transportation Act (FAST-41), 42 U.S.C. 4370m *et seq.*, created the Permitting Council, which is comprised of an Office of the Executive Director, 13 Federal Agency Council members, and additional Council members Council on Environmental Quality and Office of Management and Budget. 42 U.S.C. 4370m-1(a) & (b). The Permitting Council is charged with improving the timeliness, predictability, and transparency of the federal environmental review and authorization process for certain critical and high economic value infrastructure projects across a broad range of industry sectors, including renewable and conventional energy production, electricity transmission, surface transportation, aviation, ports and waterways, water resource projects, broadband, pipelines, and manufacturing. Certain actions of the Permitting Council are rules of

general applicability that affect the rights of the public and the regulated community and warrant informal rulemaking pursuant to section 553 of the Administrative Procedure Act, 5 U.S.C. 553.

The Permitting Council's complete Unified Agenda will be available online at [www.reginfo.gov](http://www.reginfo.gov) and [www.regulations.gov](http://www.regulations.gov) in a format that offers users an enhanced ability to obtain information from the Unified Agenda database. Publication in the **Federal Register** is mandated for the regulatory flexibility agendas required by the Regulatory Flexibility Act (RFA), 5 U.S.C. 602. Accordingly, the Permitting Council's printed agenda entries will include only:

- (1) rules that are included in the regulatory flexibility agenda pursuant to the RFA because they are likely to have a significant economic impact on a substantial number of small entities; and
- (2) rules that have been identified for periodic review under section 610 of the RFA, 5 U.S.C. 610.

Printing of the semiannual regulatory agenda entries is limited to fields that contain information required by the RFA's Unified Agenda requirements.

**Alexander Herrgott,**  
*Executive Director.*

Federal Permitting Improvement Steering Council—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
390	FPISC Case 2020-001, Adding Non-Energy Mining as a Sector of Projects Eligible for Coverage Under Title 41 of the Fixing America's Surface Transportation Act (FAST-41)	3121-AA01
391	Adding Land Revitalization as a Sector of Projects Eligible for Coverage Under Title 41 of the Fixing America's Surface Transportation Act (FAST-41)	3121-AA02

Federal Permitting Improvement Steering Council—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
392	FPISC Case 2018-001; Fees for Governance, Oversight, and Processing of Environmental Reviews and Authorizations	3121-AA00

Federal Permitting Improvement Steering Council (FPISC)	Proposed Rule Stage

### 390. FPISC CASE 2020-001, ADDING NON-ENERGY MINING AS A SECTOR OF PROJECTS

#### ELIGIBLE FOR COVERAGE UNDER TITLE 41 OF THE FIXING AMERICA'S SURFACE

#### TRANSPORTATION ACT (FAST-41)

**EO 13771 Designation:** Regulatory

**Legal Authority:** 42 U.S.C. 4370m(6)(A)

**Abstract:** Title 41 of the Fixing America's Surface Transportation Act (FAST-41), 42 U.S.C. 4370m *et seq.*, established the Federal Permitting Improvement Council (Permitting Council), which is comprised of an Office of the Executive Director, 13 Federal Agency Council members, and additional Council members Council on Environmental Quality and Office of Management and Budget. The Permitting Council is charged with improving the timeliness, predictability, and transparency of the federal environmental review and authorization process for "covered" infrastructure projects across a statutorily-identified range of industry sectors, including renewable and conventional energy production, electricity transmission, surface transportation, aviation, ports and waterways, water resource projects, broadband, pipelines, and manufacturing. FAST-41 authorizes the Permitting Council, by majority vote of the Council members, to add classes of projects to those eligible for FAST-41 coverage. 42 U.S.C. 4370m(6)(A). Pursuant to that authority, and consistent with Executive Orders 13807 and 13817, the Permitting Council is proposing to include non-energy mining as a sector of projects eligible for coverage under FAST-41. Inclusion of non-energy mining on the covered sector list does not guarantee that any particular mining project will be covered under FAST-41 or receive the benefits of enhanced coordination under the statute. A project sponsor seeking the benefits of FAST-41 must apply to the Permitting Council for project coverage.

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/20	
NPRM Comment Period End	07/00/20	
Final Rule	10/00/20	

**Regulatory Flexibility Analysis Required:** Yes

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**RIN:** 3121–AA01

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**391. • ADDING LAND REVITALIZATION AS A SECTOR OF PROJECTS ELIGIBLE FOR COVERAGE UNDER TITLE 41 OF THE FIXING AMERICA'S SURFACE TRANSPORTATION ACT (FAST–41)**

**EO 13771 Designation:** Regulatory

**Legal Authority:** 42 U.S.C. 4370m(6)(A)

**Abstract:** Title 41 of the Fixing America’s Surface Transportation Act (FAST-41), 42 U.S.C. 4370m *et seq.*, established the Federal Permitting Improvement Council (Permitting Council), which is comprised of an Office of the Executive Director, 13 Federal Agency Council members and additional Council members Council on Environmental Quality and the Office of Management and Budget. The Permitting Council is charged with improving the timeliness, predictability, and transparency of the Federal environmental review and authorization process for covered infrastructure projects across a statutorily-identified range of industry sectors, including renewable and conventional energy production, electricity transmission, surface transportation, aviation, ports and waterways, water resource projects, broadband, pipelines, and manufacturing. FAST-41 authorizes the Permitting Council, by majority vote of the Council members, to add classes of projects to those eligible for FAST-41 coverage. 42 U.S.C. 4370m(6)(A). Pursuant to that authority, and consistent with Executive Orders 13807 and 13817, the Permitting Council is proposing to include land revitalization as a sector of projects eligible for coverage under FAST-41. Inclusion of land revitalization on the covered sector list does not guarantee that any particular land revitalization project will be covered under FAST-41 or receive the benefits of enhanced coordination under the statute. A

project sponsor seeking the benefits of FAST-41 must apply to the Permitting Council for project coverage.

**Timetable:**

Action	Date	FR Cite
NPRM	07/00/20	
NPRM Comment Period End	08/00/20	
Final Rule	11/00/20	

**Regulatory Flexibility Analysis Required:** Yes

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**RIN:** 3121–AA02

Federal Permitting Improvement Steering Council (FPISC)	Final Rule Stage

**392. FPISC CASE 2018–001; FEES FOR GOVERNANCE, OVERSIGHT, AND PROCESSING OF ENVIRONMENTAL REVIEWS AND AUTHORIZATIONS**

**EO 13771 Designation:** Fully or Partially Exempt

**Legal Authority:** 42 U.S.C. 4370m–8

**Abstract:** The Permitting Council is considering finalizing the regulation proposed on September 4, 2018, 83 Fed. Reg. 44,846, that would establish a fee structure to reimburse the Permitting Council for reasonable costs incurred in coordinating environmental reviews and authorizations pursuant to title 41 of the Fixing America’s Surface Transportation Act (FAST-41), 42 U.S.C. 4370m *et seq.*

**Timetable:**

Action	Date	FR Cite
NPRM	09/04/18	83 FR 44846

NPRM Comment Period End	11/05/18	
Final Rule	10/00/20	

**Regulatory Flexibility Analysis Required:** Yes

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